

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-1030.01 Jerry Barry x4341

HOUSE BILL 22-1374

HOUSE SPONSORSHIP

Michaelson Jenet, Amabile, Bacon, Bernett, Bird, Carver, Cutter, Esgar, Exum, Froelich, Herod, Hooton, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McCormick, Ricks, Sirota, Snyder, Titone, Valdez A., Valdez D., Young

SENATE SPONSORSHIP

Moreno,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE THE EDUCATIONAL ATTAINMENT**
102 **OF STUDENTS IN OUT-OF-HOME PLACEMENT, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the department of education to identify specific goals for its foster care education initiative to improve the educational attainment of youth in foster care. The bill also requires the department of education to report specified data on annual improvement of the educational attainment of youth in foster care to specified committees of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
May 5, 2022

HOUSE
3rd Reading Unamended
May 2, 2022

HOUSE
Amended 2nd Reading
April 29, 2022

the general assembly.

The bill creates the fostering educational opportunities for youth in foster care program (program) in the department of human services (department), modeled after an existing program in Jefferson county. Under the program, the department shall contract with up to 5 additional school districts to monitor youth in foster care enrolled in the districts. The bill also requires the department to annually report to specified committees of the general assembly on the program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Short title.** The short title of this act is the "Foster
3 Youth Success Act".

4 **SECTION 2.** In Colorado Revised Statutes, 22-32-138, **amend**
5 (1.5)(a), (1.5)(c), and (9) as follows:

6 **22-32-138. Out-of-home placement students - school stability,**
7 **transfer, and enrollment procedures - absences - exemptions -**
8 **provision of academic supports - report - definitions.**

9 (1.5) **Department of education foster care education coordinator -**
10 **creation and duties.** Subject to available appropriations, the department
11 of education shall hire a full-time foster care education coordinator who
12 has the following duties beginning in the 2019-20 fiscal year:

13 (a) (I) Providing training and professional development to address
14 needs associated with implementation of state and federal mandates
15 relating to foster care education.

16 (II) AT A MINIMUM, ON AN ANNUAL BASIS, THE DEPARTMENT OF
17 EDUCATION SHALL PROVIDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES
18 FOR:

19 (A) LOCAL EDUCATION AGENCY PERSONNEL, INCLUDING LOCAL
20 CHILD WELFARE EDUCATION LIAISONS, TO ASSIST IN IDENTIFYING AND
21 ENSURING THE EDUCATIONAL RIGHTS AND LEGAL REQUIREMENTS OF

1 CHILDREN AND YOUTH IN FOSTER CARE, AS SPECIFIED IN THE FEDERAL
2 "FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT
3 OF 2008", PUB.L. 110-351, AS AMENDED; THE FEDERAL "ELEMENTARY
4 AND SECONDARY EDUCATION ACT OF 1965" (ESEA), 20 U.S.C. SEC. 6301
5 ET SEQ., AS AMENDED; AND THIS SECTION. PARTICIPATION IN THIS
6 TRAINING IS MANDATORY FOR NEW CHILD WELFARE EDUCATION LIAISONS
7 AND MUST BE TAKEN AT LEAST ONCE EVERY TWO YEARS AFTER THE
8 INITIAL TRAINING.

9 (B) RELEVANT COUNTY PERSONNEL, INCLUDING COUNTY
10 CASEWORKERS, TO ASSIST IN IDENTIFYING AND ENSURING THE
11 EDUCATIONAL RIGHTS AND LEGAL REQUIREMENTS OF CHILDREN AND
12 YOUTH IN FOSTER CARE, AS SPECIFIED IN THE FEDERAL "FOSTERING
13 CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008",
14 PUB.L. 110-351, AS AMENDED; THE FEDERAL "ELEMENTARY AND
15 SECONDARY EDUCATION ACT OF 1965" (ESEA), 20 U.S.C. SEC. 6301 ET
16 SEQ., AS AMENDED; AND THIS SECTION. PARTICIPATION IN THIS TRAINING
17 IS MANDATORY FOR NEW COUNTY CASEWORKERS AND MUST BE TAKEN AT
18 LEAST ONCE EVERY TWO YEARS.

19 (c) Coordinating with the department of human services and other
20 agencies, as necessary, INCLUDING TO ENSURE THAT DATA IS SHARED IN
21 ACCORDANCE WITH SUBSECTION (9) OF THIS SECTION;

22 (9) (a) The department of education and the department of human
23 services shall enter into a data-sharing agreement that ensures that
24 individual data relevant to students in out-of-home placement is shared
25 at the state level for ~~purposes of accountability, program improvement,~~
26 ~~and research~~ IDENTIFICATION OF STUDENTS IN OUT-OF HOME PLACEMENT
27 ENROLLED IN COLORADO SCHOOLS, TRACKING OUTCOMES RELATED TO

1 STUDENT SUCCESS AND EDUCATIONAL ATTAINMENT, AND STRENGTHENING
2 LOCAL SERVICE DELIVERY TO SUPPORT EDUCATIONAL ATTAINMENT.

3 (b) THE DEPARTMENT OF EDUCATION SHALL IDENTIFY SPECIFIC,
4 MEASURABLE GOALS FOR ITS FOSTER CARE EDUCATION INITIATIVE,
5 INCLUDING ANNUAL IMPROVEMENT IN:

6 (I) THE NUMBER AND PERCENTAGE OF CORE CONTENT AREA
7 CLASSES THAT STUDENTS IN GRADES SIX THROUGH TWELVE IN
8 OUT-OF-HOME PLACEMENT COMPLETE DURING EACH SCHOOL YEAR;

9 (II) THE PERCENTAGE OF STUDENTS IN OUT-OF-HOME PLACEMENT
10 WHO ADVANCE TO THE NEXT GRADE LEVEL AFTER EACH SCHOOL YEAR;

11 (III) THE PERCENTAGE OF STUDENTS IN OUT-OF-HOME PLACEMENT
12 WHO GRADUATE OR COMPLETE HIGH SCHOOL; AND

13 (IV) THE PERCENTAGE OF STUDENTS IN OUT-OF-HOME PLACEMENT
14 WHO ENGAGE IN POSTSECONDARY AND WORKFORCE READINESS
15 PATHWAYS, AS DESCRIBED IN SECTION 22-11-204 (4).

16 (c) (I) ON OR BEFORE FEBRUARY 1, 2023, AND ON OR BEFORE EACH
17 FEBRUARY 1 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL
18 PUBLISH A REPORT ON ITS WEBSITE AND SUBMIT THE REPORT TO THE
19 LEGISLATIVE AUDIT COMMITTEE OF THE GENERAL ASSEMBLY, THE HEALTH
20 AND HUMAN SERVICES AND EDUCATION COMMITTEES OF THE SENATE, THE
21 PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES AND EDUCATION
22 COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
23 COMMITTEES. AT A MINIMUM, THE REPORT MUST CONTAIN THE FOLLOWING
24 DATA FOR EACH OF THE PRECEDING THREE SCHOOL YEARS FOR STUDENTS
25 IN OUT-OF-HOME PLACEMENT AND ENROLLED IN A PUBLIC SCHOOL:

26 (A) THE NUMBER OF STUDENTS IN OUT-OF-HOME PLACEMENT AND
27 NUMBER OF STUDENTS IN THE GENERAL STUDENT POPULATION;

1 (B) QUANTIFIED RESULTS RELATED TO EACH FOSTER CARE
2 EDUCATION INITIATIVE GOAL IDENTIFIED IN SUBSECTION (9)(b) OF THIS
3 SECTION;

4 (C) THE TOTAL NUMBER AND PROPORTION OF STUDENTS IN
5 OUT-OF-HOME PLACEMENT COMPARED TO THE GENERAL STUDENT
6 POPULATION WHO WERE ENROLLED IN ONE SCHOOL, TWO SCHOOLS, THREE
7 SCHOOLS, OR MORE THAN THREE SCHOOLS DURING EACH SCHOOL YEAR;

8 (D) THE RATES OF ATTENDANCE AND BEING HABITUALLY TRUANT,
9 AS DEFINED IN SECTION 22-33-102 (3.5), FOR STUDENTS IN OUT-OF-HOME
10 PLACEMENT COMPARED TO THE GENERAL STUDENT POPULATION;

11 (E) THE DROPOUT RATES OF STUDENTS IN OUT-OF-HOME
12 PLACEMENT COMPARED TO THE GENERAL STUDENT POPULATION BY
13 INDIVIDUAL GRADE LEVEL FOR GRADES SEVEN THROUGH TWELVE;

14 (F) THE NUMBER AND PERCENTAGE OF STUDENTS IN OUT-OF-HOME
15 PLACEMENT WHO RE-ENROLLED IN SCHOOL AFTER DROPPING OUT
16 COMPARED TO THE GENERAL STUDENT POPULATION;

17 (G) THE NUMBER AND PERCENTAGE OF STUDENTS IN OUT-OF-HOME
18 PLACEMENT WHO GRADUATED OR COMPLETED HIGH SCHOOL IN FOUR
19 YEARS COMPARED TO THE GENERAL STUDENT POPULATION; AND

20 (H) THE NUMBER AND PERCENTAGE OF STUDENTS IN OUT-OF-HOME
21 PLACEMENT WHO TOOK MORE THAN FOUR YEARS TO GRADUATE OR
22 COMPLETE HIGH SCHOOL COMPARED TO THE GENERAL STUDENT
23 POPULATION.

24 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
25 REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION
26 (9)(c) CONTINUES INDEFINITELY.

27 **SECTION 3.** In Colorado Revised Statutes, **add** 26-5-116 as

1 follows:

2 **26-5-116. Fostering educational opportunities for youth in**
3 **foster care program - creation - report.** (1) THERE IS CREATED IN THE
4 STATE DEPARTMENT THE FOSTERING EDUCATIONAL OPPORTUNITIES FOR
5 YOUTH IN FOSTER CARE PROGRAM, REFERRED TO IN THIS SECTION AS THE
6 "PROGRAM", TO IMPROVE EDUCATIONAL OPPORTUNITIES OF STUDENTS IN
7 OUT-OF-HOME PLACEMENTS. THE PROGRAM MUST SERVE STUDENTS IN
8 GRADES NINE THROUGH TWELVE WHO ARE OR PREVIOUSLY WERE IN
9 OUT-OF-HOME CARE, WITH THE OPTION TO EXPAND TO GRADES SIX
10 THROUGH EIGHT. THE PROGRAM MUST BE MODELED AFTER THE JEFFERSON
11 COUNTY PILOT PROGRAM TO IMPROVE EDUCATIONAL OUTCOMES FOR
12 FOSTER YOUTH DESCRIBED IN SECTION 24-37-404, AND, AS PART OF THE
13 PROGRAM, THE STATE DEPARTMENT SHALL CONTINUE TO ADMINISTER THE
14 PILOT PROGRAM AFTER FUNDING FOR THE PILOT PROGRAM IS NO LONGER
15 AVAILABLE. SUBJECT TO AVAILABLE FUNDING, THE STATE DEPARTMENT
16 SHALL CONTRACT WITH **AT LEAST TWO BUT NO MORE THAN FIVE**
17 ADDITIONAL SCHOOL DISTRICTS TO IMPLEMENT THE PROGRAM. THE STATE
18 DEPARTMENT SHALL SELECT THE SCHOOL DISTRICTS BASED ON DISTRICT
19 NEED, LOCAL FOSTER CARE POPULATION, AND GEOGRAPHIC DIVERSITY.

20 (2) (a) ON JULY 1, 2023, AND EACH JULY 1 THEREAFTER, THE
21 STATE DEPARTMENT SHALL PUBLISH A REPORT ON ITS WEBSITE AND
22 SUBMIT THE REPORT TO THE LEGISLATIVE AUDIT COMMITTEE OF THE
23 GENERAL ASSEMBLY, THE HEALTH AND HUMAN SERVICES AND EDUCATION
24 COMMITTEES OF THE SENATE, THE PUBLIC AND BEHAVIORAL HEALTH AND
25 HUMAN SERVICES AND EDUCATION COMMITTEES OF THE HOUSE OF
26 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST
27 INCLUDE INFORMATION ON PROGRAM IMPLEMENTATION AND

1 PERFORMANCE METRICS OF STUDENTS IDENTIFIED IN THE FOSTER CARE
2 EDUCATION INITIATIVE AS DESCRIBED IN SECTION 22-32-138 (9).

3 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
4 REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (2)
5 CONTINUES INDEFINITELY.

6 **SECTION 4.** In Colorado Revised Statutes, 22-33-107, **amend**
7 (4) as follows:

8 **22-33-107. Enforcement of compulsory school attendance -**
9 **definitions.** (4) On or before ~~September 15, 2010~~ SEPTEMBER 15, 2022,
10 and on or before September 15 each year thereafter, the board of
11 education of each school district shall report to the department of
12 education the ~~number of children~~ STUDENTS' INDIVIDUAL ATTENDANCE
13 INFORMATION, INCLUDING TOTAL DAYS ATTENDED, TOTAL DAYS EXCUSED,
14 TOTAL DAYS UNEXCUSED, TOTAL POSSIBLE ATTENDANCE DAYS, AND
15 THOSE who are habitually truant, as defined in section 22-33-102 (3.5),
16 for the preceding academic year. The department shall post ~~this~~ THE
17 AGGREGATED information for each school district on its website for the
18 public to access and may post additional information reported by school
19 districts related to truancy.

20 **SECTION 5. Appropriation.** (1) For the 2022-23 state fiscal
21 year, \$563,568 is appropriated to the department of human services for
22 use by the division of child welfare. This appropriation is from the
23 general fund. To implement this act, the division may use this
24 appropriation as follows:

25 (a) \$84,387 for administration, which amount is based on an
26 assumption that the division will require an additional 0.9 FTE; and

27 (b) \$479,181 for fostering opportunities.

1 (2) For the 2022-23 state fiscal year, \$210,677 is appropriated to
2 the department of education. This appropriation is from the general fund.
3 To implement this act, the department may use this appropriation as
4 follows:

5 (a) \$100,677 for the office of dropout prevention and student
6 reengagement, which amount is based on an assumption that the
7 department will require an additional 0.6 FTE; and

8 (b) \$110,000 for information technology services.

9 **SECTION 6. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.